

REMARKS

Examiner Hamlin is thanked for his careful consideration of the present patent application.

As an initial matter, applicants confirm the election without traverse of claims 1-7. Claims 7-23 have been canceled.

The Section 102 rejection over Kieke should be withdrawn in light of the amendment to claim 1, which specifies that the claimed hemicellulose is corn hemicellulose. The Kieke reference does not disclose corn hemicellulose.

Amended claim 1 and original claim 5, and those claims that depend therefrom, are patentable under 35 U.S.C. 103 over Kieke. By way of background, Kieke is apparently directed towards a method for recovering petroleum from subterranean formations. Kieke purports to disclose a "tertiary recovery method" wherein a solution of surfactants is injected into an oil reservoir. This reference has nothing to do with the field of the present invention, which is directed towards dust suppressant compositions. Accordingly, with respect to any rejection under Section 103, the Kieke reference is inapposite and should not be used in any respect against any of the claims of the present application.

With specific regard to claim 1, this claim specifies a composition that includes corn hemicellulose. Claim 1 should not be rejected over Kieke does not disclose or suggest corn hemicellulose. The hemicellulose that is present in the Kieke solutions is a wood byproduct that is used primarily for its lignin content. Kieke notes in passing that the commercially available lignin product includes some hemicellulose, but this is not corn hemicellulose, and in any event there is no suggestion in the reference to employ hemicellulose in a composition. Claim 1, and those claims that depend therefrom, are patentable.

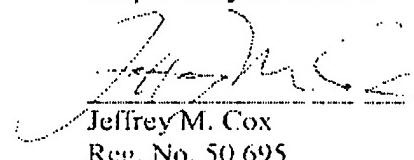
The same holds true for those new dependent claims that depend from claim 5. With respect to claim 5, this claim specifies a crosslinking agent. Applicants respectfully traverse the Section 103 rejection over Kieke, because Kieke does not seem to disclose or suggest any crosslinking agent. Kieke suggests only that certain co-solvents, which may include alcohol, amide, ester, ether, aldehyde, ketone, alkoxylated alcohol, sulfate, or

sulfated alcohol, and sulfated or sulfated alkoxylated alcohol. These materials are described as solvents, not as crosslinking agents. Applicants note that the specification of co-solvents in Kieke purports to be extremely broad, encompassing potentially millions of chemicals, some of which may be crosslinking agents within the purview of the present invention and some of which may not. It is not proper to derive applicant's invention of claim 5 from this list of chemical families. Simply put, crosslinking agents are not obvious over the disclosure of Kieke.

CONCLUSION

For these reasons, withdrawal of the Section 102 and 103 rejections is respectfully solicited.

Respectfully submitted,



Jeffrey M. Cox
Reg. No. 50,695

Banner & Witcoff, Ltd.
10 S. Wacker Drive
Suite 3000
Chicago, Illinois 60606
Phone: 312-463-5000
Fax: 312-463-5001